

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Toshio NAGASAKA et al.

: Group Art Unit: 4151

Application No.: 10/594,987

: EXAMINER: ROBERT JONES JR.

Filed: March 28, 2005

FOR: Impact Resistance Modifier and Resin Composition

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner of Patents

P. O. Box 1450

Alexandria, Virginia 22313

Sir:

I, Toshimi YANAI, declare and state that:

(1) I am citizen of Japan, and residing at c/o Otake Plants, Mitsubishi Rayon Co., Ltd., 20-1, Miyukicho, Otake-shi, Hiroshima 739-0693, Japan;

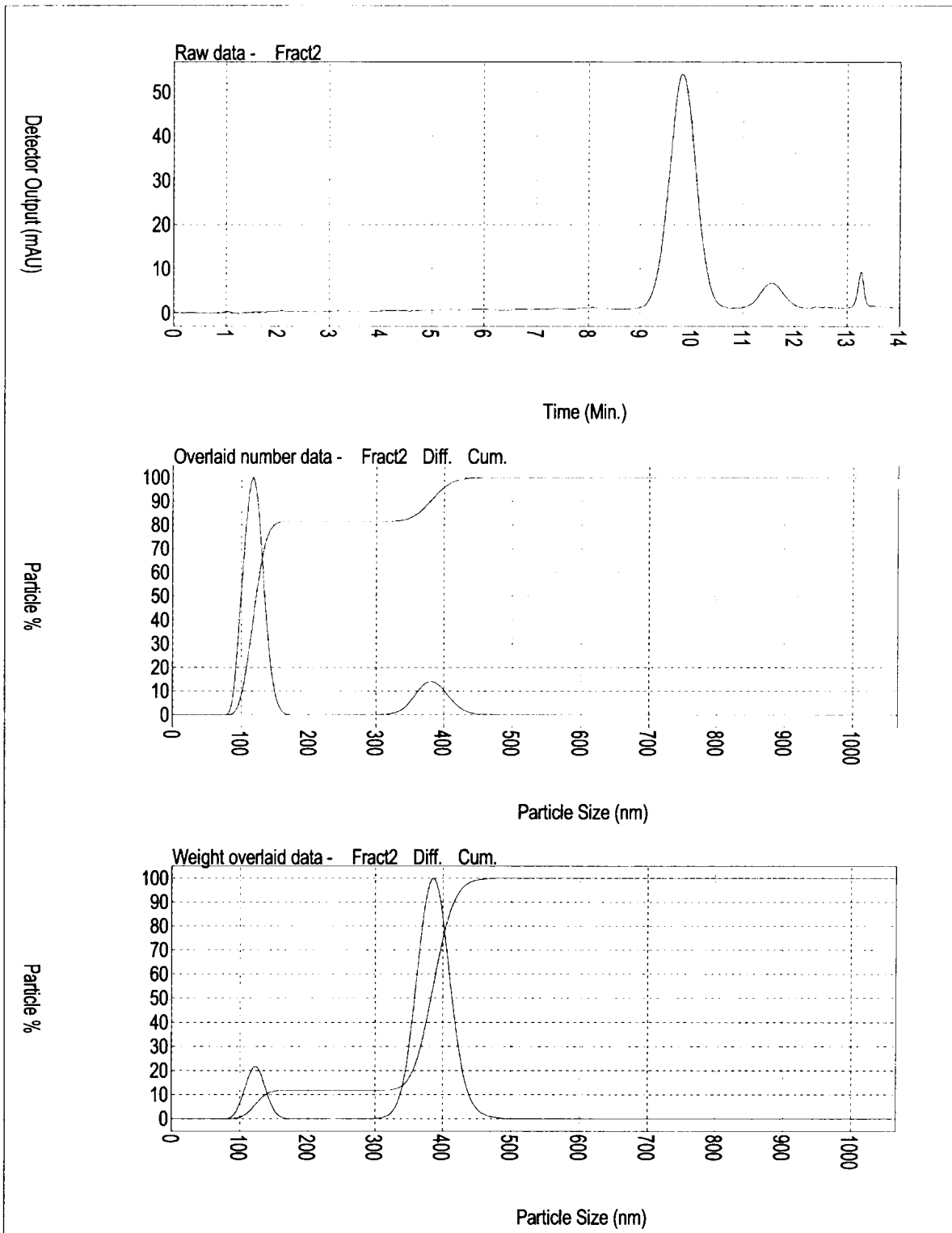
(2) I am one of the inventors of the present invention concerning each of claims 1 and 2 in the above-identified application; and

(3) I and persons under my supervision and control carried out the following Experiment in Corporate Research Laboratories, Mitsubishi Rayon Co., Ltd. on August 11, 2009, in order to clarify the difference between the copolymer according to the present inventions and the copolymer according to US 6,218,447 B1.

Experiment

The experiment according to Example 1 of US 6,218,447 B1 was carried out and the mass average particle diameter of the copolymer which has been made up to the rubber-like polymer was evaluated by the method of the present application.

The mass average particle diameter was 349.8 nm as shown in the following profiles.

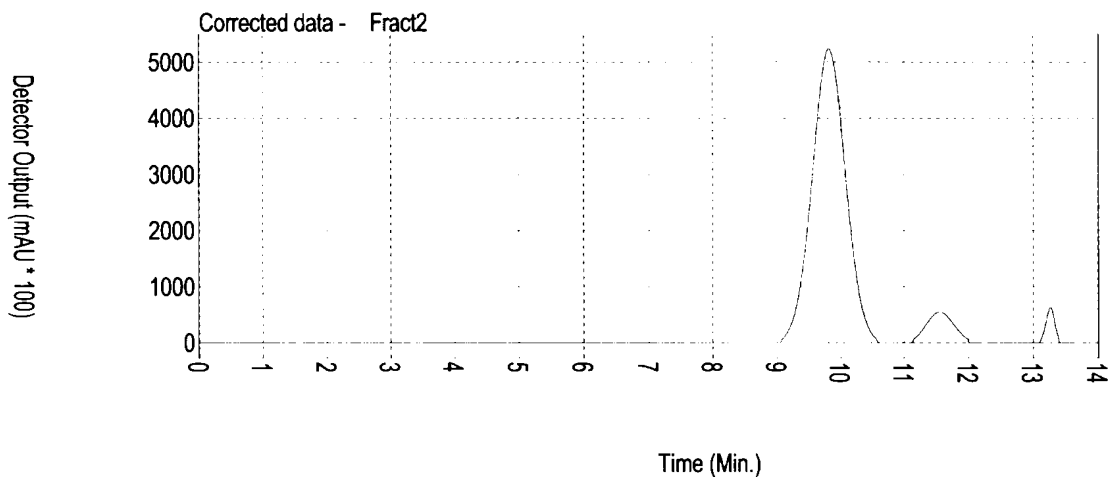


Fract2: Size units: nm Operator Name: yamada Run: 08/11/09 15:28:52  
 Cartridge: C202 Wavelength: 220 Flow Rate: 1.40  
 PSI Cond't. pH Elt.Tmp Col.Tmp Wavelength  
 Start Run: 4062.0 39.00 4.34 26.40 35.40 220.00  
 End Run: 4074.0 38.00 4.31 26.40 35.00  
 Method[C202 775UN400-6p1] AbsorbUV[N] Deconvolve[Y] Marker time[12.40 min]  
 Comments: K-1-2

	Mean	25%	Median	75%	Max	Std. Dev	FWHH
By Number:	159.5	111.6	122.9	139.8	117.2	97.7	33.8
By Area:	295.6	137.0	373.2	393.7	383.4	126.6	51.3
By Vol:	217.9						
By Weight:	349.8	363.1	383.4	400.6	386.8	93.9	51.3

StartSize	EndSize	Peak	NumArea%	AreaArea%	WeightArea%	AvgArea	AvgWeight
77.9	174.2	120.0	81.5	29.7	11.7	121.1	122.7
291.6	498.5	383.4	18.5	70.3	88.3	384.9	386.4

Peak Area[177020.9] Marker Area[4950.1] P/M Ratio[35.761]



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardized the validity of the above application or any patent issued thereon.

August 28, 2009  
(Date)

Toshimi YANAI  
Toshimi YANAI